

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Kingston, New York)

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MM Docket No. 00-121
RM-9674

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

SUPPLEMENTAL COMMENTS OF
WRNN-TV ASSOCIATES LIMITED PARTNERSHIP

WRNN-TV Associates Limited Partnership ("WRNN"), licensee of WRNN-TV (Channel 62), Kingston, New York, by its attorneys, submits these supplemental comments in connection with the Notice of Proposed Rule Making ("NPRM") proposing to substitute digital television ("DTV") Channel 48 for WRNN-TV's currently authorized DTV Channel 21.¹ This supplement shows that the proposed allotment of DTV Channel 48 is fully consistent with the new DTV city grade service rule adopted by the Commission in its first biennial review of the conversion to digital broadcasting and, accordingly, should be adopted promptly.

In its initial comments in this proceeding, WKOB Communications, Inc., licensee of secondary low power station WKOB-LP, New York, asserted that the proposed allotment of DTV Channel 48 "implicate[d] concerns" raised by the Commission's then-pending DTV

¹ To the extent necessary, WRNN requests leave to submit these supplemental comments in light of the recent adoption of new DTV service rules relevant to this proceeding.

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biennial review proceeding, in which the Commission proposed to adopt a new city grade service standard and requested comment on whether to impose a replication requirement.² WRNN responded by showing that the allotment in fact would result in enhanced service to Kingston. In particular, WRNN-TV would provide a minimum of 70 dBu service to all of Kingston, and substantially replicate its current market area.³

Under the new city grade service rule adopted in the Commission's biennial review, a DTV station operating on Channel 14-69 must provide at least a 48 dBu service contour to its community of license beginning December 31, 2004.⁴ WRNN's proposed service to Kingston will be 28 dBu *greater* than required under the city grade rule. Thus, the allotment of DTV Channel 48 will result in service that greatly exceeds the new city grade standard, which renders WKOB's concern moot.⁵

In sum, with the recent adoption of the *DTV Biennial Review Order*, the proposed allotment of DTV Channel 48 to WRNN is fully consistent with the Commission's Rules.

² Comments of WKOB Communications, Inc., MM Docket No. 00-121 (Aug. 21, 2000) at 5; see *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 00-39, FCC 00-83 (March 8, 2000).

³ Reply of WRNN-TV Associates Limited Partnership, MM Docket No. 00-121 (Sept. 5, 2000) at 7-8 ("*WRNN-TV Reply*").

⁴ *Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, MM Docket No. 00-39, FCC 01-24 (rel. Jan. 19, 2001) at ¶ 27 ("*DTV Biennial Review Order*"). Of course, WRNN-TV would provide at least this level of service as soon as it commences DTV operations.

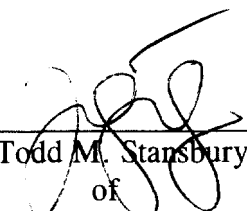
⁵ The Commission also determined not to mandate service area replication. The agency found that flexibility will give broadcasters the opportunity to expedite DTV service and to provide more responsive service to the public. *DTV Biennial Review Order* at ¶ 21. Indeed, the allocation of DTV Channel 48 as proposed will yield precisely these benefits to the public.

Moreover, as WRNN demonstrated throughout this proceeding, the channel change will produce overwhelming public interest benefits by reducing interference in the marketplace, enhancing the overall availability of DTV services, and facilitating the early release of 700 MHz spectrum consistent with Congressional objectives.⁶ Accordingly, the Commission should promptly substitute DTV Channel 48 for Channel 21 at Kingston, and modify the license for WRNN-TV accordingly.

Respectfully submitted,

WRNN-TV ASSOCIATES LIMITED PARTNERSHIP

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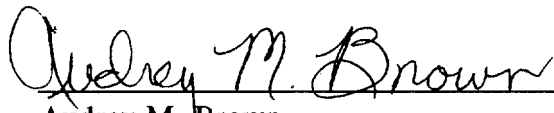
⁶ See *WRNN-TV Reply* at 4-13.

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February, 2001, I caused copies of the foregoing Supplemental Comments of WRNN-TV Associates Limited Partnership to be mailed via first-class postage prepaid mail to the following:

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